



County of Fresno

DEPARTMENT OF PUBLIC WORKS AND PLANNING
STEVEN E. WHITE, DIRECTOR

March 19, 2021

Kevin Gallagher
2009 V Street
Sacramento, CA 95818

Dear Mr. Gallagher:

Subject: Resolution No. 12862 – Unclassified Conditional Use Permit Application No.
3684

On December 10, 2020, the Fresno County Planning Commission approved your application. A copy of the Planning Commission resolution is enclosed.

Since no appeal was filed with the Clerk of the Board of Supervisors within 15 days, the Planning Commission's decision is final.

If you have any questions, please call me at (559) 600-9669.

Sincerely,

Ethan Davis, Planner
Development Services Division

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Enclosure

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Inter Office Memo

DATE: December 10, 2020

TO: Board of Supervisors

FROM: Planning Commission

SUBJECT: RESOLUTION NO. 12862 – UNCLASSIFIED CONDITIONAL USE PERMIT APPLICATION NO. 3684

APPLICANT: Kevin Gallagher

OWNER: Joanne Osnas

REQUEST: Allow the installation of an unmanned telecommunications antenna atop an existing PG&E transmission tower and installation of associated ground equipment.

LOCATION: The project site is located approximately 3,800 feet north of the intersection of Kamm Avenue and Interstate 5, approximately six miles northwest of the unincorporated community of Three Rocks (Sup. Dist. 1) (APN 038-130-85S).

PLANNING COMMISSION ACTION:

At its hearing December 10, 2020, the Commission considered the Staff Report and testimony (summarized in Exhibit A).

A motion was then made by Commissioner Woolf and seconded by Commissioner Eubanks to adopt Mitigated Negative Declaration prepared for the project; adopt the recommended Findings of Fact in the Staff Report; and approve Unclassified Conditional Use Permit Application No. 3684, subject to Mitigation Measures and Conditions of Approval listed in Exhibit "B".

This motion passed on the following vote:

VOTING:	Yes:	Commissioners Woolf, Eubanks, Burgess, Chatha, Ede, Hill, Lawson
	No:	None
	Absent:	Commissioners Abrahamian, Carver
	Abstain:	None

STEVEN E. WHITE, DIRECTOR
Department of Public Works and Planning
Secretary-Fresno County Planning Commission

By: 

William M. Kettler, Division Manager
Development Services Division

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NOTE:
The approval of this project will expire two years from the date of approval, (December 10, 2020), unless a determination is made that substantial development has occurred. When circumstances beyond the control of the Applicant do not permit compliance with this time limit, the Commission may grant an extension not to exceed one additional year. Application for such extension must be filed with the Department of Public Works and Planning before the expiration of the Unclassified Conditional Use Permit.

Attachments

EXHIBIT "A"

Initial Study Application No. 7787
Unclassified Conditional Use Permit Application No. 3684

- Staff: The Fresno County Planning Commission considered the Staff Report dated December 10, 2020 and heard a summary presentation by staff.
- Applicant: No testimony was presented to the Planning Commission in support or in opposition to the project.
- Correspondence: No letters were presented to the Planning Commission in support of or in opposition to the application.

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Mitigation Monitoring and Reporting Program
Initial Study Application NO. 7787
Unclassified Conditional Use Permit Application No. 3684
(Including Conditions of Approval and Project Notes)

Mitigation Measures					
Mitigation Measure No. *	Impact	Mitigation Measure Language	Implementation Responsibility	Monitoring Responsibility	Time Span
5.	Cultural Resources	In the event that cultural resources are unearthed during ground-disturbing activities, all work shall be halted in the area of the find. An Archeologist shall be called to evaluate the findings and make any necessary mitigation recommendations. If human remains are unearthed during ground-disturbing activities, no further disturbance is to occur until the Fresno County Sheriff-Coroner has made the necessary findings as to origin and disposition. All normal evidence procedures should be followed by photos, reports, video, etc. If such remains are determined to be Native American, the Sheriff-Coroner must notify the Native American Commission within 24 hours.	Applicant	Applicant/PW&P	During ground-disturbing activities
Conditions of Approval					
1.	Development of the property shall be in accordance with the Site Plan, Elevations and Operational Statement approved by the commission.				
2.	The approval shall expire in the event that use of the tower ceases for a period in excess of two years. At such time the tower and related facilities shall be removed and lease the area shall be restored as nearly as practical to its original conditions. This stipulation shall be recorded as a Covenant running with the land.				
3.	<p>Note: This Department will prepare the Covenant upon receipt of the standard processing fee, which is currently \$243.50.</p> <p>Prior to building permits being issued for the project proposal, the Applicant shall submit an updated lease agreement that reflects the proposed lease area so that staff can verify colocation of the project site is accommodated in the agreement.</p>				
*MITIGATION MEASURE – Measure specifically applied to the project to mitigate potential adverse environmental effects identified in the environmental document. Conditions of Approval reference approved Conditions for the project.					
Notes					
The following Notes reference mandatory requirements of Fresno County or other Agencies and are provided as information to the project Applicant.					
1.	Facilities that use and/or store hazardous materials and/or hazardous wastes shall meet the requirements set forth in the California Health and Safety Code (HSC), Division 20, Chapter 6.95, and the California Code of Regulations (CCR), Title 22, Division 4.5. Any business that handles a hazardous material or hazardous waste may be required to submit a Hazardous Materials Business Plan pursuant to the California Health and Safety Code (HSC), Division 20, Chapter 6.95, Section 25507 (http://cercs.calepa.ca.gov/). Contact the Fresno County Hazmat Compliance Program at (559) 600-3271 for more information.				

Notes

2.	Should any underground storage tank(s) be found during the project, the applicant shall apply for and secure an Underground Storage Tank Removal Permit from the Fresno County Department of Public Health, Environmental Health Division. Contact the Fresno County Hazmat Compliance Program at (559) 600-3271 for more information.
3.	As a measure to protect ground water, all water wells and/or septic systems that exist or have been abandoned within the project area should be properly destroyed by an appropriately licensed contractor.
4.	All hazardous waste shall be handled in accordance with requirements set forth in the California Code of Regulations (CCR), Title 22, Division 4.5. This Division discusses proper labeling, storage and handling of hazardous wastes.
5.	All proposed improvements including fences/gates entrances exceeding 7 feet in height will require building permits.
6.	Project/Development will be subject to the requirements of the current Fire Code and Building Code when a building permit or certificate of occupancy is sought.

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